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Petitioner,

Case No. 06-0856 PH

Respondent

## FINDINGS OF FACT, CONCLUSIONS OF LAW AND DISCIPLINARY ORDER

This matter appears before the Missouri Board of Pharmacy pursuant to a Decision issued by the Administrative Hearing Commission as a result of a hearing between Missouri Board of Pharmacy and Gary Rucker, R.Ph., in which the Administrative Hearing Commission decided that cause exists to discipline Mr. Rucker's license as a pharmacist. Each Board member participating in this decision read the Decision of the Administrative Hearing Commission and each exhibit and considered the Decision and each exhibit in reaching the decision reflected in this Order.

## Findings of Fact

1. The Board set this matter for hearing and served notice of the disciplinary hearing upon respondent.
2. Pursuant to notice and Section 621.110, RSMo, this Board held a hearing on July 11, 2007, at the Courtyard by Marriott, 3301 LeMone Industrial Boulevard Columbia, Missouri, for the purpose of determining the appropriate disciplinary action against the pharmacist license of respondent. Gary Rucker, although notified of the hearing, did not appear, nor did any counsel appear on Mr. Rucker's behalf. The Board was represented by Jane Rackers.
3. All Board members except Pamela Marshall were present throughout the disciplinary hearing.

4. The Missouri Board of Pharmacy ("Board") is an agency of the state of Missouri created and established pursuant to Section 338.110, RSMo, for the purpose of executing and enforcing the provisions of Chapter 338, RSMo.

5. Respondent is licensed by the Board, License No. 027057, which license was current and active at the time of the incidents which form the basis of the charge. Mr. Rucker's license expired on October 31, 2004, and he did not renew that license.

6. The Decision has certain findings of fact that the Board incorporates by reference into this Order and forms the basis of the conclusion in that Decision that cause exists to discipline Mr. Rucker's pharmacist license.

7. The Decision states that neither Mr. Rucker nor anyone on his behalf appeared at the hearing held by the Administrative Hearing Commission. Mr. Rucker did submit a letter to the Administrative Hearing Commission.

#### Conclusions of Law

8. The Board has jurisdiction over this proceeding in that the Administrative Hearing Commission has determined that the Board has cause to discipline the license of the respondent. State Board of Registration for the Healing Arts v. Masters, 512 S.W.2d 150, 160-161 (Mo. App., K.C.D. 1974).

9. Respondent's license to practice as a pharmacist, numbered 27057, is subject to revocation, suspension, probation, or censure by the Board pursuant to the provisions of Section 338.055.2(5),(6),(13), and (15) RSMo.

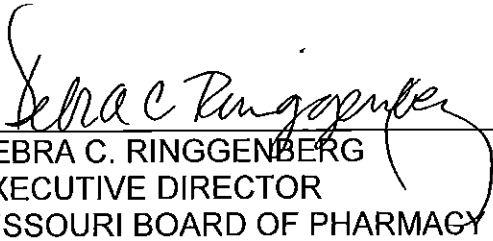
#### Disciplinary Order

THEREFORE, having considered all of the evidence before the Board, it is the ORDER of the Missouri Board of Pharmacy that the pharmacist license issued to respondent, numbered 027057, be REVOKED. Respondent shall return all indicia of licensure, i.e., the original wall-hanging certificate, the computer generated 5" x 7" license, and the wallet card, to the Board office. Mr. Rucker may not apply for reinstatement of his license for seven years after the effective date of this Order, as provided in Section 338.067 RSMo. This Order shall become effective ten (10) days from the date it is entered. This document shall be

maintained by the Board of Pharmacy as an open and public record of the Board as provided in Chapters 338, 610, 620, RSMo.

ENTERED THIS 22<sup>nd</sup> DAY OF AUGUST, 2007

(BOARD SEAL)

  
DEBRA C. RINGGENBERG  
EXECUTIVE DIRECTOR  
MISSOURI BOARD OF PHARMACY